

### **Remark**

Applicants respectfully request reconsideration of this application as amended. Claim 15 has been amended. No claims have been cancelled. Therefore, claims 1-33 are present for examination.

### **Double Patenting**

Claims 1, 5-7, 9, 15, 20, 32 and 33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3-6, 11, 16 and 18 of U.S. Patent No. 7,313,806. Without conceding the merits of this rejection, a terminal disclaimer is enclosed herewith.

### **35 U.S.C. §101 Rejection**

The Examiner has rejected claims 15-19 under 35 U.S.C. §101 as directed to non-statutory subject matter. Claim 15 has been amended to recite a "tangible medium." Claim 15 also recites that the instructions are "stored" on the tangible medium. Applicants respectfully submit that this makes it clear that the claim does not apply to propagated signals.

### **35 U.S.C. §102 Rejection**

#### *Ellis*

The Examiner has rejected claims 1-4, 6, 10-18, 20-25 and 30-32 under 35 U.S.C. §102(e) as being anticipated by Ellis et al., U.S. Patent No. 7,185,355 ("Ellis"). In Ellis, there are profiles that are made up of preference attributes, preference levels, and preference scopes. Figure 7 shows an example of attributes and corresponding levels.

Figure 9 shows that there can be multiple profiles identified with a number. Figs. 12 and 16 shows that the profiles can be identified with user names and Fig. 28 shows that they can be protected with a PIN.

The present invention shows a significant, non-obvious difference from the typical approach shown in Ellis. In the present invention, there can be multiple preferences lists for each user. Claim 1 recites, *inter alia*, "identifying multiple preferences lists corresponding to the current user." "At least some of the preferences lists... corresponding to specific users." The current user in Claim 1 is established by "receiving a user identification for a current user."

In Ellis, on the contrary, a quick look at Fig. 16 reveals that different users have different profiles. Col. 9, lines 51-52 states, that when "a user desires to use the program guide, the user may activate an appropriate profile." Col. 10, lines 22-28 describe how a user can select his profile "Mike" and can also view "the profile names for other users." It is clear that Ellis contemplates only one profile per user.

The Examiner, in this rejection, is reading "receiving a user identification..." and "selecting one of the multiple identified preferences lists" onto the same operation in Ellis. Ellis shows only one operation and that is the selection of a profile. Such a reading is not sufficient for anticipation.

This reading also ignores the express limitation in the claim of "identifying multiple preferences lists corresponding to the current user." Ellis cannot perform this step because Ellis does not contemplate multiple profiles for one user.

This reading also ignores the connections between operations that is recited on the claim. The received user identification of Claim 1 is for a current user. The searching is performed to identify lists for that current user. The selecting is from the lists that are

identified. In the Ellis approach, these connections do not exist, there are simply profiles with names.

Based on these significant differences, Applicants respectfully submit that the present claims are not anticipated by Ellis. The other independent claims contain similar recitations to those of Claim 1 highlighted above and the remaining claims are dependent.

### **35 U.S.C. §103 Rejection**

#### *Ellis and Stinebruner*

The Examiner has rejected claims 5, 7-9, 19, 26-29 and 33 under 35 U.S.C. §103(a) as being unpatentable over Ellis, in view of Stinebruner, U.S. Patent No. 6,133,910 (“Stinebruner”). Stinebruner is not cited for and does not show the features discussed above that are absent from Ellis. Accordingly, this rejection is also believed to be traversed.

### **Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

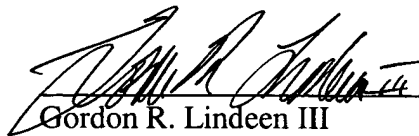
### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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